

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**John R. Clemens**  
Debtor(s)

Bankruptcy Case No.: 12-20747-CMB  
Issued Per May 18, 2017 Proceeding  
Chapter: 13  
Docket No.: 87 – 83, 86  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 28, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Debtor shall resume long term debts beginning June 2017.  
Counsel shall file a fee application not exceeding \$1,000.  
Debtor shall remit \$6,450 to complete the plan.  
The liquidation alternative requirement is \$44,858.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: May 23, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 John R. Clemens  
 Debtor

Case No. 12-20747-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: May 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 25, 2017.

db +John R. Clemens, 233 Hooks Lane, Canonsburg, PA 15317-1843  
 cr +Ally Financial, Tucker Arensberg, P.C., c/o Brett A. Solomon, Esquire, 1500 One PPG Place,  
 Pittsburgh, Pa 15222-5413  
 cr +First Commonwealth Bank, c/o McGrath Law Group, Three Gateway Center,  
 401 Liberty Avenue, Suite 1375, Pittsburgh, PA 15222-1004  
 13314308 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: FIA CARD SERVICES, N.A., PO Box 15102,  
 Wilmington, DE 19886-5102)  
 13462519 +BANK OF AMERICA, N.A., Et al, BANK OF AMERICA, N.A., 7105 CORPORATE DRIVE,  
 PLANO, TX 75024-4100  
 13299121 +Bank of America, 450 American Street, Simi Valley, CA 93065-6285  
 13395549 +Bank of America, N.A., 7105 Corporate Drive, Plano, TX 75024-4100  
 13997804 +Bank of America, N.A. as successor-in-interest to, FIA Card Services, N.A., P O Box 982284,  
 El Paso, TX 79998-2284  
 13299122 +Barclays Bank Delaware, 125 S West Street, Wilmington, DE 19801-5014  
 13299123 +Chase, P.O. Box 15299, Wilmington, DE 19850-5299  
 13299125 +Eldorado Resorts Corporation, 3015 North Ocean Blvd., Suite 120,  
 Fort Lauderdale, FL 33308-7344  
 13354863 FIA Card Services, N.A. as successor in, interest to Bank of America, N.A. (USA),  
 and MBNA America Bank, N.A., POB 3001, Malvern, PA 19355-0701  
 13299127 +First National Bank of Omaha, P.O. Box 3696, Omaha, NE 68103-0696  
 13302932 +First National Bank of Omaha, 1620 Dodge Street Stop Code 3105, Omaha Ne 68197-0002  
 13299129 +Home Depot, P.O. Box 6497, Sioux Falls, SD 57117-6497  
 13518844 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage, LLC, Bankruptcy Dept, 350 Highland Dr,  
 Lewisville, TX 75067-4177)  
 13302457 +PNC BANK, PO BOX 94982, CLEVELAND, OHIO 44101-4982  
 13299130 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 13299131 +TD Retail Card Services, c/o Creditors Bankruptcy Service, P.O. Box 740933,  
 Dallas TX 75374-0933  
 13299132 +Victoria Clemens, 233 Hooks Lane, Canonsburg, PA 15317-1843

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 24 2017 01:45:50  
 PRA Receivables Management, LLC, P.O. Box 41067, Norfolk, VA 23541-1067  
 cr E-mail/PDF: rmscedi@recoverycorp.com May 24 2017 01:34:34  
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 13299120 +E-mail/Text: ally@ebn.phinsolutions.com May 24 2017 01:28:48 Ally Financial,  
 P.O. Box 380902, Minneapolis, MN 55438-0902  
 13302220 +E-mail/Text: ally@ebn.phinsolutions.com May 24 2017 01:28:48 Ally Financial,  
 c/o Ally Servicing LLC, P.O. Box 130424, Roseville, MN 55113-0004  
 13299124 E-mail/Text: mrdiscen@discover.com May 24 2017 01:28:50 Discover, P.O. Box 8003,  
 Hilliard, OH 43026  
 13304029 E-mail/Text: mrdiscen@discover.com May 24 2017 01:28:50 Discover Bank,  
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025  
 13299126 +E-mail/Text: bankruptcynotice@fcbanking.com May 24 2017 01:28:51 First Commonwealth Bank,  
 601 Philadelphia Street, Indiana, PA 15701-3952  
 13374523 E-mail/PDF: gecsedirecoverycorp.com May 24 2017 01:24:02 GE Capital Retail Bank,  
 Attn: Bankruptcy Department, PO Box 960061, Orlando FL 32896-0661  
 13299128 E-mail/PDF: gecsedirecoverycorp.com May 24 2017 01:24:10 GECCB/Care Credit,  
 PO Box 981439, El Paso, TX 79998-1439  
 13405672 +E-mail/Text: bncmail@w-legal.com May 24 2017 01:29:33  
 KEYSTONE RECOVERY PARTNERS LLC, SERIES A, C O WEINSTEIN AND RILEY, PS,  
 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121 SEATTLE, WA 98121-3132  
 13518737 +E-mail/Text: bknotice@ncmlc.com May 24 2017 01:29:29 National Capital Management, LLC.,  
 8245 Tournament Drive, Suite 230, Memphis, TN 38125-1741  
 13583413 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 24 2017 01:34:34  
 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541  
 13383143 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 24 2017 01:45:41  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 13307389 E-mail/PDF: rmscedi@recoverycorp.com May 24 2017 01:34:22  
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,  
 Miami, FL 33131-1605  
 13299133 +E-mail/Text: adjustor@westaircomm.com May 24 2017 01:28:51 West Aircomm FCU, P.O. Box 568,  
 Beaver, PA 15009-0568

TOTAL: 15

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr BANK OF AMERICA, N.A.  
 cr NATIONSTAR MORTGAGE LLC

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 2  
Total Noticed: 35

Date Rcvd: May 23, 2017

cr\* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
(address filed with court: Nationstar Mortgage, LLC, Bankruptcy Dept, 350 Highland Dr,  
Lewisville, TX 75067)  
cr\* +National Capital Management, LLC, 8245 Tournament Drive, Suite 230,  
MEMPHIS, TN 38125-1741  
13395550\* +Bank of America, N.A., 7105 Corporate Drive, Plano, TX 75024-4100  
13532940\* FIA Card Services, N.A. as successor in, interest to Bank of America, N.A. (USA),  
and MBNA America Bank, N.A., POB 3001, Malvern, PA 19355-0701  
TOTALS: 2, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 25, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 23, 2017 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,  
dparanay@tuckerlaw.com/apetronchak@tuckerlaw.com/agilbert@tuckerlaw.com  
James Warmbrodt on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com  
Jerome B. Blank on behalf of Creditor BANK OF AMERICA, N.A. pawb@fedphe.com  
Kirsten S. Penn on behalf of Creditor First Commonwealth Bank kpenn@lenderlaw.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
Shawn N. Wright on behalf of Debtor John R. Clemens shawn@shawnwrightlaw.com,  
wrightshawn@hotmail.com/wrightshawn49@gmail.com/wrightshawnecf@gmail.com

TOTAL: 7